

Message Text

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ACTION SCI-06

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AMEMBASSY OTTAWA

AMEMBASSY MADRID

C O N F I D E N T I A L IAEA VIENNA 1414

EO: 11652: GDS

TAGS: PARM, IAEA, CI, FR, AR

SUBJ: IAEA BOARD MEETING FEB 12-13: DURATION AND TERMINATION
OF SAFEGUARDS AGREEMENTS

REF: A. IAEA VIENNA 9822, NOV 73; B IAEA VIENNA 8083, NOC 73
(NOTAL)

1. ITEM 2(A) ON BOARD AGENDA WAS DOCUMENT GOV/1621, IN WHICH SECRETARIAT PROPOSED INCLUSION OF NEW DURATION AND TERMINATION PROVISIONS IN FUTURE IAEA SAFEGUARDS AGREEMENTS WITH STATES NOT RPT NOT PARTY TO NPT. CHAIRMAN SAID HE UNDERSTOOD THAT AS RESULT WIDE INFORMAL CONSULTATION FOLLOWING CONSENSUS HAD DEVELOPED AMONG MEMBERS OF BOARD: QTE THE BOARD SHOULD DECIDE THAT THE CONCEPTS SET FORTH IN GOV/1621 SHOULD NORMALLY BE REFLECTED IN SUCH AGREEMENTS AS MAY HENCEFORTH BE CONCLUDED UNDER AGENCY'S SAFEGUARDS SYSTEM (1965, AS PROVISIONALLY EXTENDED IN 1966 AND 1968). IT WOULD BE UNDERSTOOD, HOWEVER, THAT IF THE STATE OR STATES CONCERNED IN NEGOTIATION OF ANY SUCH AGREEMENT CONSIDER THAT THERE WERE EXCEPTIONAL REASONS THAT WOULD JUSTIFY DEPARTURE FROM ABOVE-MENTIONED CONCEPTS, THE DIRECTOR GENERAL, WHEN PRESENTING DRAFT TO THE BOARD, SHOULD SPECIFY ARTICLES ON WHICH IT HAS NOT BEEN
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POSSIBLE TO REACH AGREEMENT. UNQTE.

2. NO GOVERNOR WISHED SPEAK AND AFTER MOMENTARY PAUSE CHAIRMAN SAID IT IS SO DECIDED. NEW ARGENTINE AND CHILEAN GOVERNORS, CAPT. IRAOLAGOITIA AND GENERAL CONTRERAS, WERE PRESENT. THEIR EMBASSIES IN VIENNA HAD BEEN INFORMED IN ADVANCE OF PROPOSED CONSENSUS AND HAD RAISED NO OBJECTIONS.

3. NO SAFEGUARDS AGREEMENTS WITH NON-NPT STATES CAME BEFORE BOARD AT THIS MEETING. HOWEVER, NEXT MEETING, IN JUNE, COULD WELL HAVE BEFORE IT ONE OR TWO AGREEMENTS WHICH EITHER CONFORM WITH NEW PROVISIONS - ENSURING CONTINUED APPLICATION OF AGENCY SAFEGUARDS AS LONG AS ANY SIGNIFICANT NUCLEAR MATERIAL OR ANY MATERIAL PRODUCED FROM IT REMAINS IN COUNTRY - OR WHICH WOULD BE SUBMITTED TO BOARD IN ORDER RESOLVE DISPUTE AS FORESEEN IN CONSENSUS. UNILATERAL SUBMISSION AGREEMENTS ARE CURRENTLY UNDER NEGOTIATION WITH ARGENTINA AND CHILE.

4. ARGENTINA LAST NOVEMBER ASKED SECRETARIAT PREPARE DRAFT COVERING ITS SECOND NUCLEAR POWER REACTOR, AT CORDOBA. SECRETARIAT WILL SEND DRAFT TO BUENOS AIRES SHORTLY, HAVING DELAYED UNTIL BOARD DECISION ON 1621. EARLIER AGREEMENT COVERING ATUCHA REACTOR WAS LIMITED TO FIVE YEARS AND CONTAINED NO MANDATORY PROVISION FOR SAFEGUARDS BEYOND THAT TIME. US CONCURRED IN ITS APPROVAL BY BOARD ONLY BECAUSE OF US HEAVY WATER IN THAT REACTOR AND MANDATORY SAFEGUARDS PROVISIONS IN US-ARGENTINA BILATERAL. AS NEITHER OF THESE SAVING FACTORS PRESENT IN CORDOBA CASE, US COULD BE FORCED TO DECIDE WHETHER TO OPPOSE NEW ARGENTINE AGREEMENT AT JUNE BOARD IF GOA REJECTS DURATION AND TERMINATION PROVISIONS WHICH BOARD HAS DIRECTED SECRETARIAT TO INCLUDE IN ALL FUTURE AGREEMENTS.

5. CHILE HAS INITIATED DISCUSSIONS WITH SECRETARIAT OF UNILATERAL SUBMISSION AGREEMENT COVERING FOUR AND ONE-HALF KILOS OF FRENCH ENRICHED URANIUM WHICH WILL BE FABRICATED IN SPAIN FOR SECOND CHILEAN RESEARCH REACTOR, ALSO SUPPLIED BY SPAIN (REF B). WE UNDERSTAND CHILE NOW PROPOSES PLACE REACTOR UNDER CONTROL OF NATIONAL AEC, RATHER THAN UNDER CHILEAN ARMY, AND THEREFORE SECRETARIAT'S QUESTIONS CONCERNING PEACEFUL PURPOSES OF PROJECT HAVE BEEN RESOLVED. SECRETARIAT'S INITIAL DISCUSSIONS WITH CHILEANS ON DURATION AND TERMINATION SUGGEST CHILE MAY HAVE NO DIFFICULTY

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ACCEPTING SECRETARIAT DRAFT. MISSION UNDERSTANDS THAT FRANCE REQUIRED CHILE ENTER INTO SAFEGUARDS AGREEMENT WITH IAEA AS CONDITION OF SALE OF ENRICHED URANIUM AND THAT CHILE IS PROVIDING FRANCE COPIES OF EXCHANGE OF LETTERS WITH AGENCY CONCERNING ENTRANCE INTO NEGOTIATIONS SO THAT SALE CAN PROCEED. HOWEVER, FRANCE, LIKE FRG AND CANADA WHICH ARE SUPPLYING TWO ARGENTINE REACTORS, IS UNLIKELY TO HAVE SPECIFIED ANY PARTICULAR TERMS WHICH MUST BE INCLUDED IN IAEA-CHILE AGREEMENT. INDEED, IT SEEMS LIKELY THAT FRENCH INSISTENCE ON INCLUDING PROCEDURE IN BOARD CONSENSUS UNDER WHICH STATE MAY APPEAL TO BOARD IF IT DISAGREES WITH

SECRETARIAT ON TERMS WAS BASED ON DESIRE PROTECT INTEREST OF ITS PRESENT AND FUTURE CUSTOMERS.

6. COMMENT. US, UK, INDIAN, AND FRENCH RESREPS NEGOTIATED CONSENSUS WHICH REST OF BOARD ACCEPTED. AS PRACTICAL MATTER, ANY STATE WHICH STRONGLY OBJECTED TO TERMS OFFERED IT BY SECRETARIAT WOULD HAVE BEEN ABLE APPEAL TO BOARD ANYWAY, ALTHOUGH THIS MIGHT HAVE BEEN SOMEWHAT MORE DIFFICULT FOR STATE WHICH NOT MEMBER OF BOARD. THEREFORE VERY LITTLE WAS GIVEN TO FRENCH AND INDIANS, AND AFTER CONSIDERABLE NEGOTIATION THEY (TO THEIR CREDIT) ACCEPTED ESSENTIAL POINT THAT SECRETARIAT MAY NO LONGER AGREE TO ACCEPT DEFECTIVE DURATION AND TERMINATION PROVISIONS, MUST INSIST ON APPROPRIATE TERMS, AND IF STATE OBDURATE MUST BRING SATISFACTORY DRAFT TO BOARD WITH NOTATION THAT STATE UNWILLING ACCEPT IT. BURDEN OF PROOF FOR DEPARTURE FROM NORM FALLS ON STATE, AND WE EXPECT FEW WILL BE WILLING ATTEMPT PUBLICLY JUSTIFY PROVISIONS WHICH WOULD ALLOW THEM ESCAPE FROM SAFEGUARDS. SOONER OR LATER, HOWEVER, WE ARE LIKELY TO HAVE A TEST CASE.TAPE

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